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**From:** Manzanilla, Enrique  
**Sent:** Fri 1/13/2017 1:46:13 AM  
**Subject:** Fwd: Article on DTSC Exide time-critical cleanup

Enrique Manzanilla  
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US EPA Region 9

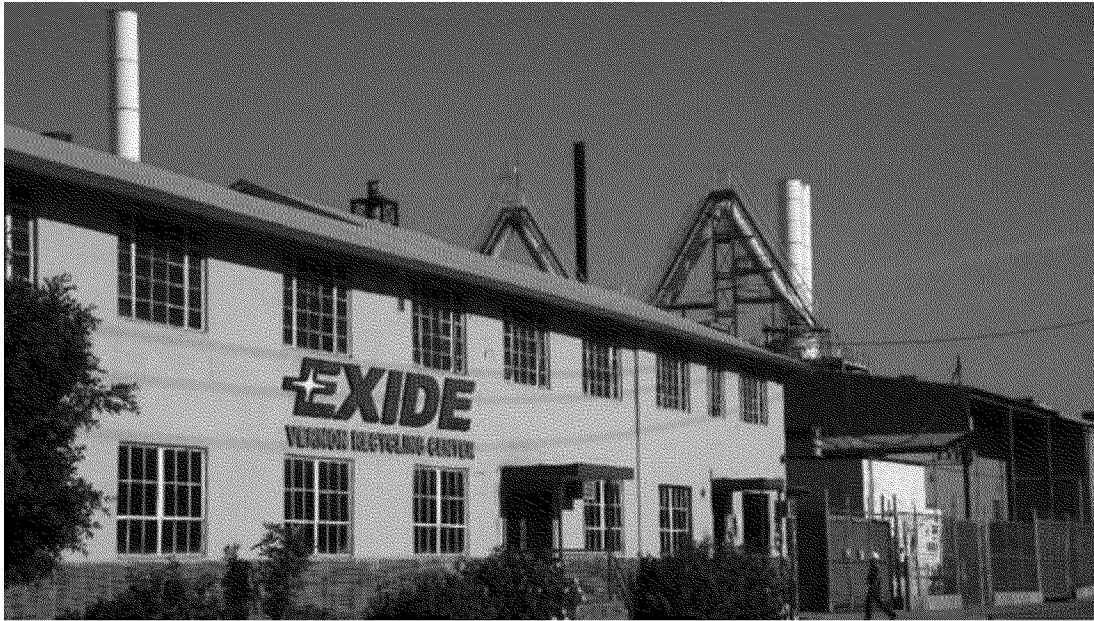
Begin forwarded message:

**From:** "Harris-Bishop, Rusty" <Harris-Bishop.Rusty@epa.gov>  
**Date:** January 12, 2017 at 5:24:06 PM PST  
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**Subject:** Article on DTSC Exide time-critical cleanup

Hi everyone, here is an article in the LA Times about DTSC's announcement on their time-critical removal action guidelines for Exide.

<http://www.latimes.com/local/lanow/la-me-ln-exide-cleanup-expedite-20170112-story.html>

# Criticized over year-long delay on Exide, state regulators move to clean homes with worst lead contamination



Exide Technologies in Vernon, a battery plant that regulators accuse of contaminating nearby yards with lead.

Ifran Khan / Los Angeles Times

Exide Technologies in Vernon, a battery plant that regulators accuse of contaminating nearby yards with lead.  
(Ifran Khan / Los Angeles Times)

**Tony Barboza, Ben Poston**

California regulators moved Thursday to accelerate soil cleanups and other actions to prevent exposure to lead contamination at the highest-risk homes near the shuttered Exide Technologies plant in Vernon. The change of course follows months of criticism by community groups, lawmakers and health officials about government inaction.

New guidelines issued by the state Department of Toxic Substances Control will allow for a “limited number” of residential properties posing the highest risk of lead poisoning to undergo expedited, “time critical removal actions.”

The largest-ever cleanup of lead-contaminated homes in California has been at a standstill since June. The department argued previously that it could not complete any cleanups — even of homes whose lead levels amounted to hazardous waste — until a year-long environmental review is completed this summer.

The cleanup spans 10,000 residential properties as well as daycare centers, schools and parks across seven southeast Los Angeles County communities surrounding the former battery-smelting plant, which regulators blame for emitting dangerous lead contamination over decades.

While state officials long maintained they could not complete cleanups using exemptions in state law because the levels of contamination were not considered an emergency, county health officials, community groups and legal experts disagreed and were among those who pushed for quicker action amid the ongoing environmental review.

They contended there was nothing in the law preventing the department from acting immediately to remove lead from the highest-risk properties, particularly those with lead levels above 1,000 ppm — the state’s threshold for hazardous waste.

The guidelines, released Thursday, indicate that the department found the legal justification.

In its decision, the toxics department cited concerns from community members and local leaders in releasing guidelines, developed in consultation with the U.S. Environmental Protection Agency, that will allow it to complete expedited cleanups in the next few months while complying with the California Environmental Quality Act.

“We are utilizing all of the resources at our disposal to ensure that we are able to take action to protect the most sensitive populations impacted by the presence of lead in the soil from the Exide operations,” DTSC Director Barbara Lee said in a statement.

The toxic substances department said it is screening properties where statistical analysis shows lead levels exceeding 1,000 parts per million and evaluating sampling data for evidence of “localized exposures” to high levels of lead.

The department will also consider other factors, such as the presence of pregnant women, children under age 7 or people with high levels of lead in their blood, and will make decisions about which properties to target “on a case-by-case basis where the analysis shows an imminent threat to sensitive individuals is likely.”

The state’s interventions could include soil removal but could also be limited to less comprehensive measures, such as the installation of grass, mulch or rock barriers. The remediation steps would only be taken with the permission of property owners and tenants.

DTSC officials had no estimate of how many properties could be selected for expedited cleanups, which are expected to take place between now and when the environmental review is expected to be finalized in June.

“Since the Department will determine whether to take expedited cleanup or other time-sensitive actions on a case-by-case basis, it’s unknown at this time how many actions will be conducted under this guidance,” said Abbott Dutton, a DTSC spokeswoman.

A recent cleanup plan shows 52 of 2,711 residential properties tested through July 2016 had site-wide soil levels that exceeded 1,000 parts per million, the state’s threshold for hazardous waste.

Nearly 30% of homes tested over the same period exceed the federal health standard —

400 parts per million — considered hazardous in bare soil where children play, and more than 97% are above California's more stringent cleanup standard of 80 ppm, the department found.



### Residents in 'limbo' as regulators delay cleaning any lead-tainted homes near Exide battery plant

About 235 residential properties near the plant have been cleaned so far, most of them in initial areas near the plant that were identified over three years ago. The last home cleanup occurred in June 2016.

Community groups and state lawmakers critical of the pace of cleanup welcomed the decision by the department to act sooner than this summer.

“We're encouraged that there are steps forward to clean up those homes with immediate health risks, but still frustrated it's taken this long,” said Assemblyman Miguel Santiago (D-Los Angeles). He said he spent months pushing the DTSC to address “an imminent danger to people in our neighborhood.”

Mark Lopez, who directs East Yard Communities For Environmental Justice, welcomed the prospect of a quicker cleanup but fears a clumsy implementation, saying “there's still a lack of trust in the department and how its contractors handle cleanup.”

Lopez said he was concerned “that barriers and ground cover will be used instead of cleanup in favor of saving time and saving money. If that is the initial action that's taken to help reduce the potential for exposure, would there at some point be a return to do removal?”

Exide agreed to close its Vernon plant permanently in March 2015 after years of environmental violations and a federal criminal investigation.

Under legislation signed by Gov. Jerry Brown last year, California allocated \$176.6 million for soil testing and remediation of properties, which officials hope to recoup from Exide and any other responsible parties.

Those funds will pay for cleaning lead from an estimated 2,500 of those parcels over a two-year period starting next summer.

Full cleanup is expected to cost hundreds of millions of dollars.



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